

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	
)	CRIMINAL NO. 04-10332-RCL
JOSEPH MATZ)	

MOTION TO RESCHEDULE AND
FOR ISSUANCE OF NEW WRIT

The United States requests the Court to reschedule the initial appearance of the defendant and to issue a new writ requiring that he be produced before this Court in approximately two weeks to permit the United States Marshals to secure the defendant's appearance here from state prison in Connecticut. In support of this request, the government states the following:

1) The defendant is presently serving a state sentence at the MacDougall-Walker Correctional Institution in South Suffield, Connecticut.

2) On November 3, 2004, the defendant was indicted by a federal grand jury sitting in Boston on a single count of bank robbery in violation of 18 U.S.C. §2113(a).

3) On November 15, 2004, this Court issued a writ of habeas corpus ad prosequendum directing that the defendant be produced in federal court for an initial appearance on November 19, 2004.

4) Because of what the undersigned believes was a misunderstanding on the part of the Connecticut prison authorities

as to the federal nature of the writ, it did not become clear until mid-afternoon on November 18, 2004, that the state authorities would release the defendant to the U.S. Marshals when they went to take custody of him.

5) The undersigned spoke with Deputy U.S. Marshal Jeff Bohn who advises that because of other transport obligations, they do not have sufficient staffing to get the defendant here on November 19, 2004.

WHEREFORE, the United States respectfully requests the Court to reschedule the initial appearance currently scheduled for November 19, 2004, and to order the defendant's appearance here on a date in about two weeks.

Respectfully submitted,

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